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Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

IFW \$
PETITION AND FEE FOR EXTENSION
OF TIME UNDER 37 CFR §1.136(a)
Examining Group 1615
Patent Application
Docket No. GIR-105CXC1
Serial No. 10/765,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1615
Applicants : Leonard S. Girsh
Serial No. : 10/765,664
Filed : January 26, 2004
Conf. No. : 9812
For : Composition with Anti-Inflammatory, Protein Synthesizing, Enzyme Deficiency Activating Genetic Therapy and Anti-Cancer Activity and Methods of Use

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PETITION AND FEE FOR EXTENSION OF TIME UNDER 37 CFR §1.136(a)

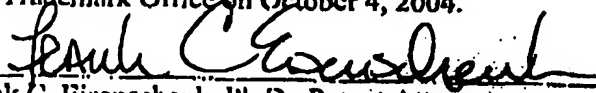
Sir:

Applicant requests that the period for response to the Notice to File Missing Parts of Nonprovisional Application dated May 6, 2004 be extended one month through and including August 6, 2004. A Transmittal Letter accompanies this Petition. Please charge the fee of \$55.00 to Deposit Account No. 19-0065.

08/18/2004 AADDF01 00000007 190065 10765664
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Frank C. Bisenschenk, Ph.D., Patent Attorney

REQUEST FOR REFUND
Examining Group 1615
Patent Application
Docket No. GIR-105CXC1
Serial No. 10/765,664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1615
Applicant : Leonard S. Girsh
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Filed : January 26, 2004
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For : Composition with Anti-Inflammatory, Protein Synthesizing, Enzyme
Deficiency Activating Genetic Therapy and Anti-Cancer Activity and
Methods of Use

Attention: Refunds
Commissioner for Patents
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Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

Applicant respectfully requests a refund in the above-referenced patent application. On August 6, 2004, Applicant's undersigned representative submitted by mailed transmission a Transmittal Letter (in triplicate) for payment of the small entity surcharge of \$65.00 together with the following: a Petition and Fee for Extension of Time Under 37 C.F.R. 1.36(a) (in triplicate) authorizing \$55.00 payment for one month extension of time; original executed Declaration and Power of Attorney forms; copy of Notice to File Missing Parts dated May 6, 2004; Submission of Application Data Sheet under 37 CFR 1.76 with attached application Data Sheet; Request for Corrected Filing Receipt with attached redlined copy of Filing Receipt and page one of Application as-filed; Preliminary Amendment; and Return Receipt Postcard. The Return Receipt Postcard acknowledging receipt of the papers as noted above was received by the Patent Office of Initial

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Docket No. MOR-5000D2
Serial No. 09/873,835
Patent No. 6,482,598

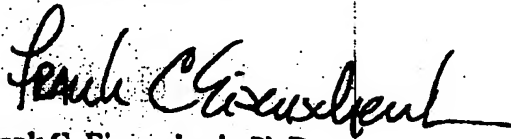
Examination on August 9, 2004 and received by Applicant's undersigned representative on August 16, 2004.

On August 10/2004, the undersigned's Deposit Account No. 19-0065 was properly charged \$65.00 as the small entity surcharge (control number 97) and \$55.00 as the fee for one-month extension of time (control number 98). However, on August 18, 2004, the undersigned's Deposit Account 19-0065 was again charged a \$55.00 fee for the one-month extension of time (control number 42). Applicant notes that the charge and fee code associated with control number 98 are identical to those of control number 42.

The Applicant's undersigned representative respectfully asserts that Deposit Account No. 19-0065 should only have been charged once for payment of the fee for a one-month extension of time. Applicant's undersigned's Deposit Account No. 19-0065 has not, as of this date, been credited for the duplicate charge. A copy of the Deposit Account statement for August 31, 2004 is attached.

Applicant respectfully requests that a refund in the amount of \$55.00 be credited to Applicant's undersigned representative's Deposit Account No. 19-0065.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 38,261

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

FCE/asn

Attachment: Copy of Deposit Account statement dated August 31, 2004

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| Page | 4 |

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TO: Refunds Department
COMPANY: United States Patent & Trademark Office
FROM: Frank C. Eiscnschenk, Ph.D.
DATE: October 4, 2004
FAX NO.: (703) 308-6778
NO. OF PAGES (INCLUDING COVER SHEET): 5
SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. GIR-105CXC1
Serial No. 10/765,664; filed January 26, 2004

Request for Refund (4 pages, including attachments)

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